

Plaintiffs' Exhibit 31

HIGHLY CONFIDENTIAL

Page 1

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

-----:
UNITED STATES, et al., :
:
Plaintiff, :
:
vs. : Case No.:
: 1:23-CV-00108-LMB-JFA
GOOGLE, LLC, :
:
Defendant. :
-----:

HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION OF
ABRANTES-METZ, PH.D.

DATE: March 7, 2024
TIME: 9:12 a.m.
LOCATION: U.S. Department of Justice
Antitrust Division
450 Fifth Street, Northwest
Washington, D.C. 20530

REPORTED BY: Shari R. Broussard, RPR, CSR
Reporter, Notary

Job No. CS6456952

HIGHLY CONFIDENTIAL

<p style="text-align: right;">Page 38</p> <p>1 BY MR. ISAACSON:</p> <p>2 Q And I believe you've also said with</p> <p>3 respect to point five, "Acquiring an emergent</p> <p>4 competitor, AdMeld, and eliminating as a</p> <p>5 competitive threat to Google's AdX and DFP</p> <p>6 products," that's also conduct you found to be</p> <p>7 anticompetitive?</p> <p>8 MS. WOOD: Objection to the form.</p> <p>9 THE WITNESS: Yes, I opine there were --</p> <p>10 there was an anticompetitive effect coming out of</p> <p>11 this merger that affected directly the relevant</p> <p>12 markets.</p> <p>13 BY MR. ISAACSON:</p> <p>14 Q All right. And with respect to those</p> <p>15 five acts, based on your testimony today am I</p> <p>16 correct to understand that you don't -- you would</p> <p>17 not be able to tell me what your reasons that</p> <p>18 those are anticompetitive where your reasons would</p> <p>19 be any different from Dr. Lee's?</p> <p>20 MS. WOOD: Objection to the form.</p> <p>21 THE WITNESS: I didn't base my opinions</p> <p>22 on Dr. Lee's. I don't know his reasons. I am</p>	<p style="text-align: right;">Page 40</p> <p>1 expressing an opinion in this case as to whether</p> <p>2 Project Bell was competitive or anticompetitive?</p> <p>3 A Correct, I have not provided an opinion.</p> <p>4 Q And with respect to item eight, Google's</p> <p>5 deployment of sell-side Dynamic Revenue Share, am</p> <p>6 I correct that you have not expressed an opinion</p> <p>7 in this case as to whether that conduct was</p> <p>8 competitive or anticompetitive?</p> <p>9 MS. WOOD: Objection to the form.</p> <p>10 THE WITNESS: I do not provide an</p> <p>11 opinion that -- let's call it DRS -- in and of</p> <p>12 itself is anticompetitive.</p> <p>13 The opinion I provide that relates to</p> <p>14 DRS is that it would have exacerbated the effects</p> <p>15 of other conduct that I found to be</p> <p>16 anticompetitive.</p> <p>17 BY MR. ISAACSON:</p> <p>18 Q When you say something exacerbated</p> <p>19 conduct, does that mean it's anti- -- I'm sorry,</p> <p>20 let me start the question over.</p> <p>21 When you say something exacerbated other</p> <p>22 conduct that you found was anticompetitive, does</p>
<p style="text-align: right;">Page 39</p> <p>1 testifying on my reasons.</p> <p>2 MR. ISAACSON: All right. If we can</p> <p>3 mark as Exhibit 5 the complaint in this case.</p> <p>4 (Abrantes-Metz Exhibit Number 5 was</p> <p>5 marked for identification.)</p> <p>6 BY MR. ISAACSON:</p> <p>7 Q And if you look at pages 132 and 133 of</p> <p>8 the complaint -- and you -- you have reviewed the</p> <p>9 complaint before, haven't you?</p> <p>10 A Yes. A while back, but I have.</p> <p>11 Q And if you look at paragraph 312,</p> <p>12 there's a list of ten items there.</p> <p>13 A Yes.</p> <p>14 Q Okay. That are -- that are alleged to</p> <p>15 be exclusionary conduct. The first one refers to</p> <p>16 Google's acquisition of DoubleClick.</p> <p>17 Am I correct that is not conduct that</p> <p>18 you have expressed an opinion about in this case</p> <p>19 as to whether it's competitive or anticompetitive?</p> <p>20 A That is correct.</p> <p>21 Q And with respect to item seven, Google's</p> <p>22 use of Project Bell, am I correct that you are not</p>	<p style="text-align: right;">Page 41</p> <p>1 that mean that you're saying that the conduct that</p> <p>2 you say was exacerbating was itself</p> <p>3 anticompetitive?</p> <p>4 MS. WOOD: Objection to the form.</p> <p>5 THE WITNESS: No. I am saying that</p> <p>6 there's a conduct that is anticompetitive, it had</p> <p>7 anticompetitive effects, those effects are larger</p> <p>8 because of DRS.</p> <p>9 BY MR. ISAACSON:</p> <p>10 Q But DRS you have no opinion standing</p> <p>11 alone -- let me start over.</p> <p>12 You have no opinion whether DRS standing</p> <p>13 alone was competitive or anticompetitive?</p> <p>14 MS. WOOD: Objection to the form.</p> <p>15 THE WITNESS: As of now, I do not</p> <p>16 provide an opinion as to whether DRS just in and</p> <p>17 of itself is or is not anticompetitive.</p> <p>18 BY MR. ISAACSON:</p> <p>19 Q And item nine listed in the complaint</p> <p>20 refers to Project Poirot.</p> <p>21 Am I correct that you are not expressing</p> <p>22 an opinion as to whether Project Poirot was</p>

11 (Pages 38 - 41)

HIGHLY CONFIDENTIAL

<p style="text-align: right;">Page 42</p> <p>1 competitive or anticompetitive?</p> <p>2 MS. WOOD: Objection to the form.</p> <p>3 THE WITNESS: That is correct. As of</p> <p>4 now, given information I have, I -- I am not</p> <p>5 providing an opinion as to whether Poirot is or is</p> <p>6 not competitive by itself.</p> <p>7 BY MR. ISAACSON:</p> <p>8 Q And with respect to item four, "Google's</p> <p>9 limitation of dynamic allocation bidding</p> <p>10 techniques exclusively to AdX," is that also</p> <p>11 conduct that you are not expressing an opinion</p> <p>12 about as to whether it was competitive or</p> <p>13 anticompetitive?</p> <p>14 MS. WOOD: Objection to the form.</p> <p>15 THE WITNESS: Well, it depends on -- on</p> <p>16 what item four has. I have not really broken it</p> <p>17 out that way.</p> <p>18 These relate potentially to whether --</p> <p>19 whether prices were sent back to publishers only</p> <p>20 through the context of dynamic allocation, and</p> <p>21 therefore through DFP, and not to third-party</p> <p>22 publishers and/or whether third-party publishers</p>	<p style="text-align: right;">Page 44</p> <p>1 paragraph 12 that we were looking at.</p> <p>2 MS. WOOD: What? Do you want to use</p> <p>3 the -- her report instead or do you want to ask</p> <p>4 her about his report?</p> <p>5 MR. ISAACSON: No, I -- I'm going to --</p> <p>6 the -- no, I'm referring to item one in the</p> <p>7 paragraph 12 little 3.</p> <p>8 MS. WOOD: So you want to ask her about</p> <p>9 her opinion, not Lee's opinions, but you want to</p> <p>10 use Lee's report to ask her about her opinion?</p> <p>11 MR. ISAACSON: Right, I've got -- I've</p> <p>12 got these on the same page here, so I'm going to</p> <p>13 do that.</p> <p>14 MS. WOOD: I think she's --</p> <p>15 BY MR. ISAACSON:</p> <p>16 Q So item one there, which is, you said,</p> <p>17 was conduct you had generally discussed as well,</p> <p>18 does that conduct in your report take place in the</p> <p>19 ad exchange market?</p> <p>20 MS. WOOD: Objection to the form and I</p> <p>21 am going to object to using Lee's report to ask</p> <p>22 her about her opinion. I think if you want to ask</p>
<p style="text-align: right;">Page 43</p> <p>1 accessing AdX outside of DFP could have sent</p> <p>2 dynamic floors to AdX or not and contrasting with</p> <p>3 the fact that they could within dynamic</p> <p>4 allocation. So I have opinions that relate to</p> <p>5 point four, but I -- I think point four seems to</p> <p>6 be broad and unspecified on what do bidding</p> <p>7 techniques mean exclusively to AdX.</p> <p>8 It...</p> <p>9 BY MR. ISAACSON:</p> <p>10 Q Now, with respect to Google providing</p> <p>11 unrestricted access to Google Ads' advertiser</p> <p>12 demand exclusively to its AdX exchange and denying</p> <p>13 comparable access to rival ad exchanges, your</p> <p>14 report expresses opinions that that action was</p> <p>15 taken in an alleged ad exchange market; is that</p> <p>16 correct?</p> <p>17 MS. WOOD: Objection to the form.</p> <p>18 THE WITNESS: Could you please repeat</p> <p>19 the question.</p> <p>20 BY MR. ISAACSON:</p> <p>21 Q Sure. If it helps you, I'm just using</p> <p>22 the language in item one of Professor Lee,</p>	<p style="text-align: right;">Page 45</p> <p>1 her about her opinion, you should use her report</p> <p>2 and the description of the conduct in her report</p> <p>3 and not ask her about her opinions --</p> <p>4 MR. ISAACSON: This is going to be a</p> <p>5 long speaking objection. Let's just keep it --</p> <p>6 MS. WOOD: Well --</p> <p>7 MR. ISAACSON: -- to objection.</p> <p>8 MS. WOOD: -- it's -- no. It's --</p> <p>9 it's --</p> <p>10 MR. ISAACSON: Let's just keep it to</p> <p>11 objection.</p> <p>12 MS. WOOD: -- object not to the -- to</p> <p>13 the question alone but to the process. It's an</p> <p>14 objection to using -- asking her --</p> <p>15 MR. ISAACSON: We don't --</p> <p>16 MS. WOOD: -- to keep in her mind --</p> <p>17 MR. ISAACSON: We don't do speaking</p> <p>18 objections to process.</p> <p>19 MS. WOOD: Well, we do when the process</p> <p>20 is this unorthodox. When --</p> <p>21 MR. ISAACSON: I don't think --</p> <p>22 MS. WOOD: When the report you're asking</p>

12 (Pages 42 - 45)

HIGHLY CONFIDENTIAL

Page 339

1 CERTIFICATE OF NOTARY PUBLIC

2 I, SHARI R. BROUSSARD, the officer before
3 whom the foregoing deposition was taken, do hereby
4 certify that the witness whose testimony appears
5 in the foregoing deposition was duly sworn by me;
6 that the testimony of said witness was taken by me
7 in stenotype and thereafter reduced to typewriting
8 under my direction; that said deposition is a true
9 record of the testimony given by said witness;
10 that I am neither counsel for, related to, nor
11 employed by any of the parties to the action in
12 which this deposition was taken; and, further,
13 that I am not a relative or employee of any
14 counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in
16 the outcome of this action.

17
18 

19 SHARI R. BROUSSARD

20 Notary Public in and for the
21 District of Columbia

22 My commission expires:

August 14, 2025

HIGHLY CONFIDENTIAL**ERRATA SHEET FOR THE TRANSCRIPT OF:**Case Name: *United States et al. v. Google LLC*, No. 1:23-cv-00108 (E.D. Va.)

Deposition Date: 03/07/2024

Deponent: Rosa Abrantes-Metz

CORRECTIONS

Page	Line	Change	Reason
57	9	The word “quantity” should read “quantify”	Transcription error
94	5	The word “accusation” should read “acquisition”	Transcription error
112	6-7	The words “No, of the report. You’re in the opening report.” should read “No, of the report you’re in. The opening report.”	Clarification
113	16	The word “Googles” should read “Google’s”	Transcription error
139	10	The number “100” should read “1000”	Transcription error
192	20-21	The words “has not been reached” should read “has not yet been reached”	Transcription error
193	3	The words “another decision” should read “another case”	Transcription error
290	15	The word “depracated” should read “deprecated”	Spelling error
302	11	The words “engineering PM/policy” should read “engineering and PM/policy”	Transcription error

HIGHLY CONFIDENTIAL

Page 340

A C K N O W L E D G E M E N T
O F D E P O N E N T

I, ROSA ABRANTES-METZ, PH.D., do hereby
acknowledge I have read and examined the foregoing
pages of testimony, and the same is a true,
correct and complete transcription of the
testimony given by me, and any changes or
corrections, if any, appear in the attached errata
sheet signed by me.

Date_____
ROSA ABRANTES-METZ, PH.D.

Job No. CS6456952

Attorney Errata Sheet for the Transcription of Rosa Abrantes-Metz**Case Name:** *United States et al v. Google LLC*, No. 1:23-cv-00108-LMB-JFA (E.D. Va.)**Depo. Date:** March 7, 2024**Deponent:** Dr. Rosa Abrantes-Metz

Page	Line	Correction	Reason for Correction
2	21	Change “Jeff Brennan” to “Jeff Vernon”	Transcription error
17	12	Replace “ran” with “run”	Clarification
26	11 – 12	Change “Is that discussion of open web advertising...” to “Is that discussion of open web display advertising...”	Transcription error
27	1	Change “of open web advertising consistent...” to “of open web display advertising consistent...”	Transcription error
44	2	Replace “What? Do you want” with “Well, do you want”	Transcription error
44	9	Replace “Lee’s opinions” with “Lee’s opinion”	Transcription error
45	12	Replace “object not to the” with “objection not to the”	Transcription error
46	5	Replace “Okay.” with “Alright.”	Transcription error
46	16	Replace “Object” with “Objection”	Transcription error
47	2	Replace “whether” with “where”	Clarification
52	15	Insert “was” after “2016”	Transcription error
52	17	Insert “just” after “is”	Transcription error
52	18	Change “Google understands” to “Google understood”	Transcription error
55	10	Replace “hundred” with “hundreds”	Transcription error
59	13	Delete “to” after “referring”	Transcription error
60	21 – 22	Replace “it” with “that”	Transcription error
64	5	Capitalize “Google Ads”	Transcription error
66	2	Delete “as” after “broad”	Clarification
68	12	Insert “of” after “analysis”	Transcription error
76	15 – 16	Replace “the separate products” with “as separate products”	Transcription error

79	1	Replace “physical” with “feasible”	Transcription error
79	2	Replace “feeds” with “bids”	Transcription error
114	9	Replace “from” with “for”	Clarification
145	3	Change “a monopolist” to “a hypothetical monopolist”	Transcription error
164	14 – 15	Delete “they” after “that”	Clarification
177	8 – 9	Replace “20 is less than” with “20 is less than double”	Clarification
192	9	Replace “approve” with “a prove”	Transcription error
196	6 – 7	Replace “or quality was lower than it actually was or innovation was lower than it actually was” with “or quality was lower than it should have been or innovation was lower than it should have been”	Clarification
202	6 – 7	Delete “from” after “required”	Clarification
202	8	Replace “clients, for example,” with “clients. For example,”	Punctuation for clarity
227	20 – 21	Delete “do” before “neither” ; Replace “or” with “nor”	Clarification
255	5	Delete “(ph)”	Transcription error
256	13	Replace “confirms” with “conforms”	Clarification
256	15	Replace “on” with “of”	Clarification
266	18	Delete “in the”	Clarification
268	15	Change “And then below that it says” to “And then Aparna Pappu below that says”	Transcription error
269	20	Change “dynamic allocations” to “dynamic allocation”	Transcription error
276	20	Replace “lied” with “lay”	Clarification
279	7	Change “publisher” to “publishers”	Transcription error
290	4 – 5	Replace “this intermediation” with “disintermediation”	Transcription error
295	18	Replace “potential” with “potentially”	Clarification
298	5	Insert “how” after “discuss”	Transcription error
299	10	Replace “beat” with “bid”	Transcription error
300	12 – 13	Replace “page of the Overview” with “page in the overview”	Transcription error

300-301	22 – 1	Replace “publisher first or the third-party ad server would” to “publisher first or third-party ad server could”	Transcription error
301	12	Replace “side” with “server-side”	Transcription error
301	14	Insert a single quotation between the period and the double quotations following “issues”	Punctuation for clarity
302	10 – 11	Replace “engineering PM/policy” to “engineering and PM/policy”	Transcription error
302	21	Replace “to the case” with “to be the case”	Transcription error
302	22	Replace “had” with “could have”	Transcription error
305	5	Replace “deprecating” with “deprecated”	Clarification
307	4	Replace “what” with “what’s”	Transcription error
308	5	Insert a comma after “concludes”	Punctuation for clarity
308	5 – 6	Insert quotations around “the business case does not justify the development”	Punctuation for clarity
309	17	Insert “about” after “talking”	Transcription error
311	13	Replace “document. Perhaps” with “document, or else”	Transcription error
312	1	Replace “All right” with “Okay”	Transcription error
312	14	Insert “in” after “May,”	Transcription error
313	9	Replace “isn’t” with “is not”	Transcription error
314	20	Replace “entire competitive” with “anticompetitive”	Transcription error
314	21	Replace “entire competitive” with “anticompetitive”	Transcription error
322	6	Replace “ramp” with “wrap”	Transcription error
325	1	Replace “with publishers” with “for publishers”	Transcription error
329	5	Insert open quotations before “a rationale”	Punctuation – this is a quote from the report and is ended with closed quotations
332	20	Replace “Ad—” with “at”	Transcription error
337	17	Replace “agree” with “disagree”	Transcription error

Rosa P. Abran-Luque